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HIGH COURT OF CHHATTISGARH, BILASPUR

W.P. (S) No. 6543 of 2007

PETITIONERS

1. Novas Kujoor, S/o Late Shri Andhiriyas Kujoor, aged about 48 years, Assistant Teacher, Govt. Primary School – Mahora, Block – Lundra, Distt. – Surguja (C.G.)
2. Harshavardhan Kumar Prajapati, S/o. Shri Bhauwa Ram, aged about 51 years, Assistant Teacher, Govt. Primary School – Patipara, Block – Ambikapur, Distt. – Surguja (C.G.)
3. Jharpati Singh, S/o. Shri Dokari Singh, aged about 48 years, Assistant Teacher, Govt. Boys Primary School – Bargawa, Block – Ambikapur, Distt. – Surguja (C.G.)
4. Smt. Ohmati Minj, W/o. Shri Jiwan Minj, aged about 48 years, Assistant Teacher, Govt. Primary School – Mayapurward, Block – Ambikapur, Distt. – Surguja (C.G.)
5. Sharan Kujoor, S/o. Shri Dharam Das Kujoor, aged about 48 years, Assistant Teacher, Govt. Primary School, Nawapara Aara, Block – Raipur, Distt.- Surguja (C.G.)
6. Lalchand Toppo, S/o. Shri Suna ram aged about 51 years, Assistant Teacher Govt. Primary School Lawadih, Block – Ambikapur, Distt. Surguja (C.G.)
7. Shiv Shankar Prasad Singh, S/o. Late Shri Nandkeshar Singh, aged about 47 years, Assistant Teacher, Govt. Middle School – Bargawa, Block – Ambikapur, Distt. – Surguja (C.G.)
8. Sumesh Chandra Singh, S/o. Shri Balkeshwar Ram, aged about 46 years, Assistant Teacher, Govt. Primary School – Harishadand Block – Lundra, Distt. – Surguja (C.G.)
9. Anesius Minj, S/o. Shri Minsent Minj, aged about 46 years, Assistant Teacher, Govt. Girls Primary School – Gajarmunda, Block – Lundra, Distt. – Surguja (C.G.)

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10 Tiranga Minj, S/o. Late Panku Minj, aged about 50 years, Assistant Teacher, Govt. Primary School – Junadih, Block – Lundra, Distt. – Surguja (C.G.)

11 Sukhram Bhagat, S/o. Shri Makeram Bhagat, aged about 51 years, Assistant Teacher, Govt. Primary School – Pahadkhadua, Block – Rajpur, Distt. – Surguja (C.G.)

12 Vanaspati Singh, S/o. Shri Ledwa Singh, aged about 50 years, Assistant Teacher, Govt. Primary School – Singhchora, Block – Rajpur, Distt. – Surguja (C.G.)

Versus

RESPONDENTS

1 State of Chhattisgarh, Through – The Secretary Department of Education D.K.S. Bhawan, Raipur (C.G.)

2 Director Public Instruction Chhattisgarh Govt. Raipur

3 District Education Officer, Distt. – Surguja (C.G.)

WRIT PETITION UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA

Appearance:

Shri Anil Singh Rajput, counsel for the petitioners.

Shri Pradeep Singh, Panel Lawyer for the State on advance copy.

ORAL ORDER
(31.10.2007)

SUNIL KUMAR SINHA, J

Heard.

Learned counsel for the petitioners submits that the issue involved in the case is as to whether the petitioners are entitled to regular pay scale w.e.f. the date of initial appointment or from the date of completion of probation period. He submits that the issue involved herein was considered by the Madhya Pradesh State Administrative Tribunal, Jabalpur in O.A. No.2745/89 (Madhukant Yadu and 56 others Vs. State of M.P. and others), wherein, it was held that the similarly situated teachers are entitled to regular pay scale w.e.f. the

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date of initial appointment. The matter was taken up to the Hon'ble Supreme Court in Special Leave Petition (Civil) No.6892/93. The said petition was dismissed by the Hon'ble Supreme Court upholding the decision of the Tribunal to the effect that the Teachers/Assistant Teachers are entitled to regular pay scale from the date of initial appointment.

Learned counsel for the petitioners further submits that this Court, while considering the same issue in Ram Kumar Sahu and others Vs. State Govt. of Chhattisgarh and another (W.P.(S) No.813 of 2007) by order dated 12.2.2007, has granted regular pay scale w.e.f. the date of initial appointment.

Learned counsel for the parties jointly submits that this case is squarely covered by the decision of this Court in the case of Ram Kumar Sahu and another (supra).

In view of that, this petition is allowed in the same terms.

However, this order shall be subject to all verifications made by the State regarding facts pleaded in the petition.

Sd/-
Sunil Kumar Sinha
Judge

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